# DODGE COUNTY BOARD OF ADJUSTMENT MINUTES September 19, 2013

The Dodge County Board of Adjustment met on this 19th day of September at 7:00 p.m., on the 1<sup>st</sup> Floor of the Administration Building, in Rooms 1H and 1I, located at 127 East Oak Street, Juneau, Wisconsin.

Chairman Armin Reichow called the meeting of the Dodge County Board of Adjustment to order.

Roll Call was taken.

Members present were as follows: Armin Reichow, Leon Schraufnagel, Harold Hicks and William Nass (Alternate 1).

Chairman Reichow noted that a quorum is present.

Joseph Giebel of the Land Resources and Parks Department was in attendance at the request of the chairman;

The Chairman asked the staff to confirm compliance with the open meeting law and public hearing notice requirements for the hearings before the Board.

Mr. Giebel indicated that the meeting was properly noticed in accord with the open meeting law and noted that each of the public hearings listed on the agenda received a class two notice and the mailing notices were sent in accord with the statute and code requirements.

The agenda was reviewed by the Board.

The minutes from the September 12, 2013 meeting were reviewed by the Board.

Motion by Schraufnagel to approve the minutes as written.

Second by Hicks Vote: 4-0 Motion carried.

The staff explained the hearing procedures to those in attendance:

## PUBLIC HEARING

James Grosenick - Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code to allow the construction of a porch, breezeway and attached garage, where said porch will be located 31 feet within the required highway setback lines, where said garage and breezeway will be located 8 feet within the required highway setback line and where said construction is considered by the County as an expansion of a non-conforming structure. The site is located in part of the SW ¼, SE ¼, Section 6, Town of Lebanon, the site address being N2184 County Road "EM".

Motion by Schraufnagel to approve the garage, breezeway and porch additions subject to the following conditions:

□ The porch addition shall perpetually remain an open deck/porch and shall not be screened in or enclosed in any manner in order to create a screen porch or other room addition:

Second by Hicks Vote: 4-0 Motion carried.

### PUBLIC HEARING

Brian Wright, agent for Dennis and Mary Kohl - Request for a variance to the terms of the Sanitary Ordinance to allow the installation of a holding tank on this site to service a barn which will be used for weddings and/or other assembly purposes, where there are other types of private sewage systems that can be utilized on this property. The site is located in part of the NE ¼, NE ¼, Section 5, Town of Portland, the site address being W11747 Buss Road.

Motion by Nass to approve the variance request subject to the following conditions:

- The owner shall obtain all required permits and approvals to install a holding tank on this lot;
- The holding tank shall be maintained at all times so as not to create a human health hazard;
- The owner shall install a water meter in accord with s. SPS 383.54(2);
- The owner shall preserve the area designated by the soil tester for future installation of the POWTS mound system for as long as the holding tank is located on this property.

Second by Schraufnagel

Vote: 4-0

Motion carried.

#### **PUBLIC HEARING**

Frank and Jayne Garniss – Request for a variance to the terms of the Shoreland Protection Ordinance to allow the construction of a retaining wall, where said retaining wall will be located 66 feet within the required setback line from the ordinary highwater mark of Lost Lake. The site is located on Lot 14, Plat of Lost Lake, in part of the SE ¼, NE ¼, Section 8, Town of Calamus, the site address being W11380 Schulz Drive.

Motion by Hicks to approve the request to allow retaining walls within the water setback lines subject to the following conditions:

- 1. A viewing / access corridor shall be established along the shoreline. Said view corridor shall not exceed 30% of the shoreline frontage of said lot. No retaining wall shall be located within the viewing / access corridor and the area within the viewing / access corridor shall be returned to its original slope.
- 2. One stairway shall be allowed on this site in order to provide reasonable access to the shoreline. The stairway shall be located within the viewing / access corridor and the stairway shall not exceed 60 inches in width.
- 3. All areas that are located outside of the viewing / access corridor and the shoreland areas that are located within 35 feet of the ordinary highwater mark of the lake shall be re-vegetated with native plant species in accord with the vegetative buffer standards listed in Section 7.3 of the Ordinance.
- 4. A retaining wall may be allowed within the area along the west side of the Oak tree in order to reduce the steep slopes in this area in order to allow the safe access and maintenance of the shoreline vegetation on this portion of the property. The shoreline located east of the Oak tree shall be graded back to the original grade.

- 5. The appellant shall be required to establish a vegetative buffer screen in the area between the retaining wall and the ordinary highwater mark of the lake in order to provide a vegetative screen along the lake side of the retaining wall. A vegetation site plan shall be submitted to the Department for review and approval of the land use permit authorized by this variance.
- 6. All disturbed areas shall be graded and seeded to permanent vegetation as soon as possible to prevent erosion of silt into the Lake.
- 7. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
- 8. A revised site plan containing the viewing / access corridor, the retaining wall location and the vegetative buffer area required in condition #3 shall be submitted to the Department for review and approval prior to the issuance of the land use permit authorized by the Boards decision.

Second by Scraufnagel Vote: 4-0 Motion carried.

#### PUBLIC HEARING

James Grosenick - Request for a variance to the terms of the Highway Setback Overlay District provisions of the Dodge County Land Use Code to allow the construction of a calf barn 19 feet within the required highway setback lines of Trestle Road. The site is located in part of the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 5, Town of Lebanon, the site address being N2126 Trestle Road.

Motion by Nass to approve the variance request as modified by the applicant subject to the following conditions:

- 1. The unauthorized fill placed in the road right-of-way shall be removed from the right-of-way per Town specifications prior to the issuance of the permit;
- 2. The applicant shall submit a revised site plan to the Department for review showing the modification to the location of the calf barn;

Second by Hicks Vote: 4-0 Motion carried.

#### PUBLIC HEARING

R.A. Pinno & Sins Construction Inc., agent for Allen and Amy Reis – Request for a variance to the terms of the Highway Setback provisions of the Dodge County Land Use Code to allow the re-construction of a porch and to allow the construction of a home addition onto the residence on this lot where said porch and home addition will be located 9 feet within the required highway setback lines of Butternut Road and where said additions are considered by the County as an expansion of a legal existing non-conforming structure. The site is located in part of the NW ¼, SW ¼, Section 13, Town of Lomira, the site address being N11044 Butternut Road.

Motion by Scraufnagel to approve the variance request as proposed.

Second by Hicks Vote: 4-0 Motion carried.

Motion by Schraufnagel to adjourn the meeting.

Second	by	Hicks
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Motion carried.

Respectfully submitted,

Armin G Reudow
Armin Reichow, Chairman

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.